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February 12, 2003

Ms. Tina W. Chin  
Hearing Officer  
Department of Telecommunications and Energy  
Commonwealth of Massachusetts  
One South Station  
Boston, MA 02110

**Re: D.T.E. 02-45 Global NAPs, Inc. Arbitration**

Dear Ms. Chin:

Verizon New England Inc., d/b/a Verizon Massachusetts submits this letter in response to the letter from GNAPs' counsel, which was filed on February 6, 2003. In its letter, which purports to extend to the Department the courtesy of notifying it that GNAPs has filed a complaint with the FCC regarding issues relating to intercarrier compensation for ISP-bound calls, GNAPs reasserts arguments it previously made to the Department in the arbitration proceedings initiated by GNAPs and decided by the Department in its December 12, 2002 Order issued in this docket.

The Department reached its decision on intercarrier compensation issues in this case on the basis of an evidentiary record and briefs filed by the parties. The Department's December 12, 2002 decision carefully considered the arguments of the parties and rejected GNAPs positions in clear and unambiguous terms. Contrary to GNAPs' suggestion, the Department's rulings were entirely consistent with the 1996 Act and FCC precedent. GNAPs never sought clarification or reconsideration from the Department regarding its rulings on these issues. Instead, GNAPs appealed the order to the Supreme Judicial Court and US District Court and now is pursuing an improper collateral attack at the FCC on the Department's decision, where the Department is not a participant. Verizon MA will vigorously contest GNAPs' attempted efforts to evade the Department's rulings.

GNAPs' tactics highlight why the Department should promptly grant Verizon's January 17<sup>th</sup> Motion requiring GNAPs to comply with Department's order for the parties to conclude an interconnection agreement which reflects the rulings in this arbitration. After forcing Verizon and the Department to expend significant resources arbitrating issues relating to intercarrier

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compensation, as well as other issues, GNAPs remains determined in its efforts to side step the binding effect of the Department's duly issued 252 arbitration order. The Department should enforce the order it issued, and stop GNAPs from further gaming of the regulatory process.

Very truly yours,

/s/Keefe B. Clemons

Keefe B. Clemons

cc: Mary L. Cottrell, Secretary  
Michael Isenberg, Director, Telecommunications Division  
Peter Allen, Telecommunications Analyst  
James R. J. Scheltema, Director - Regulatory Affairs – Global NAPs  
William J. Rooney, Jr., Vice President and General Counsel – Global NAPs  
Christopher W. Savage, Counsel for Global NAPs, Inc.

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